

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

THE AC TRUST, AMOS CARTER,
TRUSTEE,

Plaintiff,

V.

CARMAX AUTO SUPERSTORES, INC.,

Defendant.

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CIVIL ACTION NO. SA-24-CA-0984-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 8), filed in the above-captioned cause on March 10, 2025. According to the CM/ECF docket sheet in this case, the certified mail sent to Plaintiff was returned by the post office marked “Return to Sender,” “Attempted - Not Known” and “Unable to Forward.” (Docket no. 10). The Court checked the electronic docket sheet to see if Plaintiff filed a change of address notice, but no notice has been filed. No objections have been filed to date.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

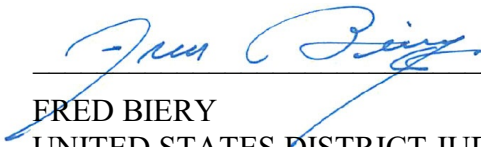
¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, “service is complete upon mailing.” FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, “service is complete upon transmission.” *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 8) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's claims are DISMISSED WITHOUT PREJUDICE and Defendant's counterclaim and third-party claim are DISMISSED WITHOUT PREJUDICE.

IT IS FINALLY ORDERED that motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 25th day of March, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE